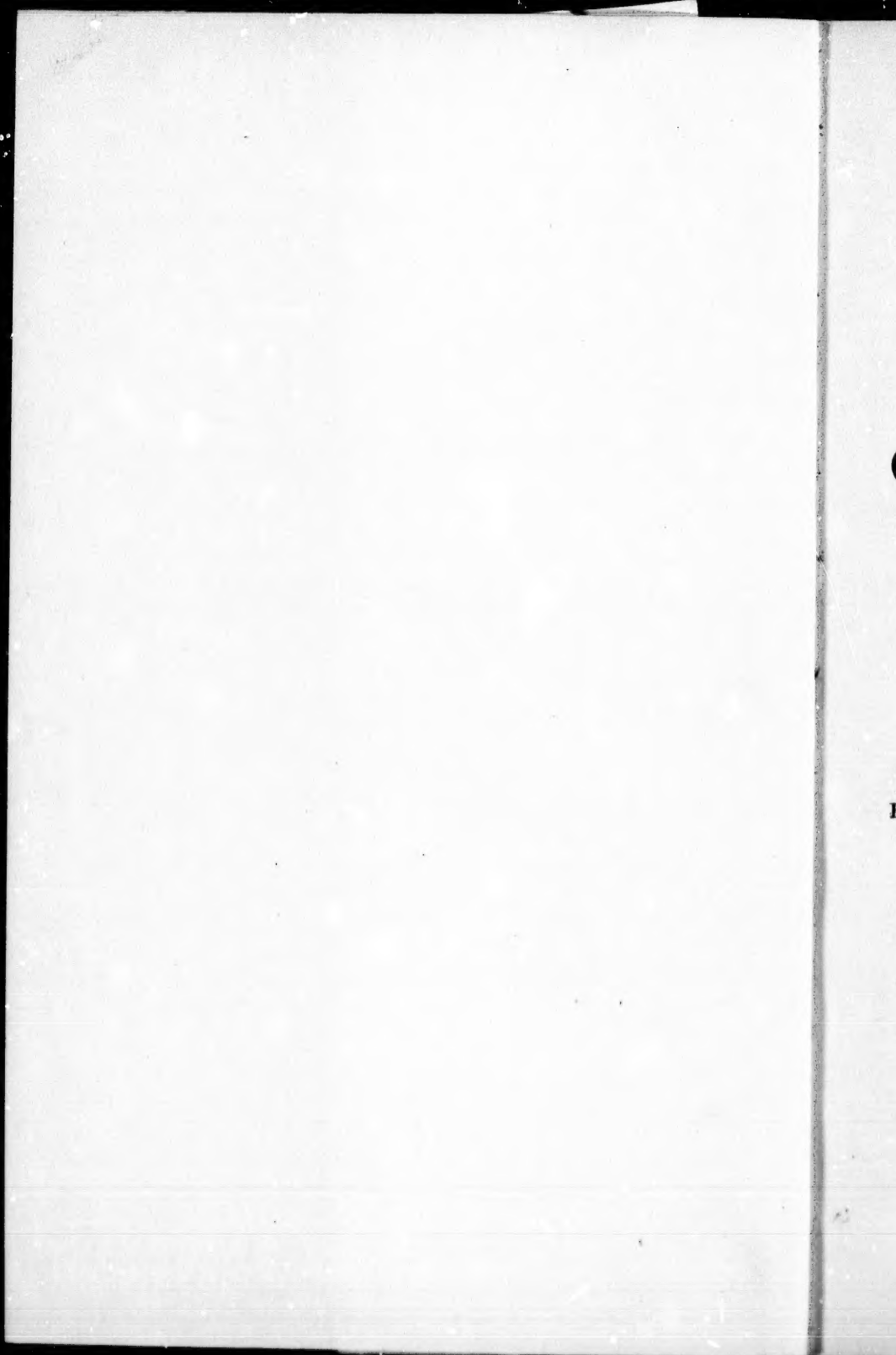




COPIES OF DOCUMENTS

RELATING TO THE

OTTAWA & PRESCOTT RAILWAY,

LENGTH 54 MILES,

FROM PRESCOTT TO OTTAWA,

BEING THE ONLY LINE OF RAILWAY TO THE
SEAT OF GOVERNMENT OF THE
DOMINION OF CANADA.

LONDON :

WATERLOW AND SONS, CARPENTERS' HALL, LONDON WALL.

1867.

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ANNO VICESIMO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXXV.

An Act for the relief of the Ottawa and Prescott Railway Company and for ensuring the efficient working of its Railway and for other purposes.

[Assented to 18th March, 1865.]

WHEREAS the interest on the bonds issued under the first mortgage and the interest on the second and third mortgages made by the Ottawa and Prescott Railway Company is in arrear, and the Company has also become otherwise deeply indebted, and several of the creditors have obtained judgment against it, and the Railway is in the hands of a Receiver appointed by the Court of Chancery for Upper Canada at the instance and for the protection of certain of its bondholders ; and whereas the said Railway is out of repair ; and whereas the keeping open of the Railway for traffic, which is of the utmost importance to the interests of this Province, is by reason of the premises imperilled ; and it is necessary that the said Railway and its franchises shall be absolutely sold to secure hereafter the uninterrupted working of the said Railway ; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Notwithstanding anything in any law or statute to the contrary, it shall be lawful for any mortgagee or judgment

creditor of the said Company to proceed upon his mortgage or execution against lands, and sell thereunder the said Railway with all its lands, rights, privileges, franchises, and appurtenances, and any mortgagee or creditor of the said Railway Company may become the purchaser of the said Railway at such sale; and such sale shall extinguish all mortgages, bonds, judgments, and claims whatsoever existing at the time of the said sale of such railway, and by and under such sale, whether made under power of sale in any mortgage, decree of the Court of Chancery in Upper Canada, or Sheriff's sale on such execution against lands as aforesaid, the said purchaser, his heirs or assigns, shall acquire a good title to the said Railway and all the lands, rights, privileges, franchises, and appurtenances thereto belonging, or in any way appertaining, freed and discharged from any claim and incumbrance whatever, and shall have full power and authority to sell and dispose of the same, to use and work the said Railway under the Act of Incorporation of the said Railway Company, or any amendments thereof, as fully and effectually as if such Charter had been granted to such purchaser.

2. The purchase money upon such sale shall be paid to the several creditors of the Company according to their priorities, as they may legally exist, or as may be settled by the said Court, and such purchaser, his heirs or assigns, may make such terms for the payment or security of the purchase money with such creditors as they may agree upon; provided always, that nothing herein contained shall prevent, nor shall any Act, law, or practice to the contrary, prevent any mortgagee or creditor of the said Company becoming the purchaser of the said Railway as aforesaid.

3. This Act shall be deemed a Public Act, and the Interpretation Act shall apply to it, in so far as is not inconsistent with the provisions of this Act.

In Chancery.

Saturday, the twenty-third day of December,
in the twenty-ninth year of the reign of
Her Majesty Queen Victoria, and in the
year of our Lord, 1865.

Between ALEXANDER SIMPSON - -
ABRAHAM DARBY - - -
HENRY DICKINSON - - -
WILLIAM TOTHILL - - -
THOMAS BROWN, and - -
JOSEPH ROBINSON, on behalf of
themselves and all others the holders
of the Bonds of the OTTAWA AND
PRESCOTT RAILWAY COMPANY, bear-
ing date the first day of November,
One thousand eight hundred and
fifty-three, and secured as first
charges on the said railway by a
mortgage executed by the said
Company to the said ALEXANDER
SIMPSON, bearing date the sixteenth
day of March, One thousand eight
hundred and fifty-three - -

Plaintiffs,

AND

THE OTTAWA AND PRESCOTT
RAILWAY COMPANY - -
THE CITY OF OTTAWA AND
THE TOWN COUNCIL OF THE
TOWN OF PRESCOTT, by Bill,
and - - -
ANDREW PORTER - -

GEORGE KEATING	-	-	-
JAMES GOODWIN	-	-	-
JAMES LEANOY	-	-	-
RICHARD W. SCOTT	-	-	-
ANDREW O'HARA	-	-	-
SAMUEL STARR EASTON	-	-	-
PETER MORAN	-	-	-
MANUEL NORTHRUP	-	-	-
ALEXANDER HEUSTON	-	-	-
HENRY J. FRIEL	-	-	-
THOMAS PECK	-	-	-
JAMES BENNING	-	-	-
JAMES M. CURRIER	-	-	-
M. K. DICKINSON	-	-	-
WILLIAM PALEN RING	-	-	-
JAMES HENEY	-	-	-
JOHN MEYERS	-	-	-
THOMAS BARR	-	-	-
JAMES HODGE	-	-	-
ALEXANDER ROSS	-	-	-
JOHN LYNCH	-	-	-
FRANCIS M'DOUGALL	-	-	-
GEORGE SHERWOOD	-	-	-
RICHARD FARMER STEEL	-	-	-
THOMAS RAYCROFT	-	-	-
THE COMMERCIAL BANK OF	-	-	-
CANADA	-	-	-
THOMAS BLACKBURN	-	-	-
ROBERT BELL, and	-	-	-
THE GRAND TRUNK RAILWAY	-	-	-
COMPANY OF CANADA	-	-	-
THOMAS REYNOLDS, and	-	-	-
SAMUEL CHRISTIE, made parties	-	-	-
in the Master's Office	-	-	-

Defendants.

UPON the application of the above-named plaintiff, Joseph Robinson, and upon hearing read the notice of motion and the various orders, affidavits, and proceedings had, taken and made in this cause, and in pursuance of the sixty-third section of the twelfth chapter of the Consolidated Statutes of Upper Canada, and of an Act passed in the twenty-eighth

year of the reign of Her Majesty Queen Victoria, chaptered thirty-five.

This orders that the lands and premises in question in this cause being composed of **ALL THE LANDS**, rights, privileges, franchises, and appurtenances belonging or in any way appertaining to the Ottawa and Prescott Railway Company, situate in the City of Ottawa and in the township of Gloucester, Osgoode, and North Gower in the county of Carleton, and in the townships of South Gower, Oxford and Edwardsburgh, and in the town of Prescott, in the county of Grenville, together with all workshops and buildings thereon erected. **AND** the engines, tools, stock, and other property contained therein, and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway, and all other property of the said Company, wheresoever situate and of whatsoever kind, character, or description, including the Rolling Stock thereof, **BE AND THE SAME ARE HEREBY VESTED** in the said plaintiff **JOSEPH ROBINSON**, his heirs and assigns for ever, for all the estate, right, title, and interest of the said plaintiffs other than the said Joseph Robinson, and of the said defendants therein.

(Signed)

A. GRANT,

Registrar

Joseph
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Statutes
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[Copy.]

DECLARATION OF TRUST

BY JOSEPH ROBINSON, Esq.,

IN RESPECT OF THE OTTAWA AND PRESCOTT RAILWAY.

Dated 29th June, 1866.

Seal

London.

Seal

London.

TO ALL TO WHOM THESE PRESENTS SHALL COME, JOSEPH ROBINSON, of No. 7, Laurence Pountney Hill, Cannon Street, in the City of London, in that part of the United Kingdom of Great Britain and Ireland called England, Esquire, SENDS GREETING : WHEREAS by an Act of the Parliament of the Province of Canada made and passed in the 13th and 14th years of Her Majesty's reign, entitled "An Act for the Incorporation of a Company to construct a Railway between Bytown and Prescott," certain persons therein named, together with such other persons as should under the provisions of that Act become subscribers to and proprietors of any share or shares in the railway thereby authorised to be made, were united into a Company for carrying on, making, completing, and maintaining the said intended railway and other works, and should for that purpose be one body politic and corporate by the name of "The

Bytown and Prescott Railway Company," and by that name should have perpetual succession, and should have a common seal and other the usual powers and rights of bodies corporate not inconsistent with the said Act now in recital. AND WHEREAS by a certain other Act of the Parliament of the said Province, made and passed in the 14th and 15th years of Her Majesty's reign, entitled "An Act to amend the Act incorporating the Bytown and Prescott Railway Company," and also by two certain other Acts of the Parliament of the said Province made and passed in the 16th year of Her Majesty's reign, entitled respectively "An Act to amend the Act incorporating the Bytown and Prescott Railway Company" and "An Act for the granting of certain lots in the town of Bytown to the Bytown and Prescott Railway Company," certain other powers and provisions were made, enacted, conferred and declared in respect to or in or upon the said Railway Company. AND WHEREAS by a certain other Act of the Parliament of the said Province made and passed in the 18th year of Her Majesty's reign, entitled "An Act to change the name of the Bytown and Prescott Railway Company and to amend the Act incorporating the same," it was enacted that the Company incorporated under the first hereinbefore in part recited Act should be called and known by the name and style of "The Ottawa and Prescott Railway Company" instead of being called and known by the name and style of the "Bytown and Prescott Railway Company." AND WHEREAS in pursuance and under the authority of the said several hereinbefore in part recited Acts, or of some or one of them, the said Railway Company carried on, made, completed and maintained the said railway and other works and purchased or acquired and held certain lands, and laid the track of the said railway and sidings and erected messuages, houses, buildings, and machinery thereon respectively, or on some part thereof, and exercised and maintained the

powers, rights, and privileges incident to the carrying on, making, maintaining, and completion of the said railway, and granted and conferred in and by the said Acts of Parliament or some or one of them. AND WHEREAS by a certain other Act of the Parliament of the said Province made and passed in the 28th year of Her Majesty's reign, entitled "An Act for the relief of the Ottawa and Prescott Railway Company and for ensuring the efficient working of its Railway and for other purposes," after reciting that the interest on the bonds issued under the first mortgage and the interest on the second and third mortgages made by the Ottawa and Prescott Railway Company was in arrear and that the Company had also become otherwise deeply indebted, and several of the creditors had obtained judgment against it, and that the railway was in the hands of a receiver appointed by the Court of Chancery for Upper Canada at the instance and for the protection of certain of its bondholders, and further reciting that the said railway was out of repair, and further reciting that the keeping open of the railway for traffic, which was of the utmost importance to the interests of the said Province was by reason of the premises imperilled, and that it was necessary that the said railway and its franchises should be absolutely sold to secure thereafter the uninterrupted working of the said railway. It was by the said Act now in recital enacted, that notwithstanding anything in any law or statute to the contrary, it should be lawful for any mortgagee or judgment creditor of the said Company to proceed upon his mortgage or execution against lands and sell thereunder the said railway with all its lands, rights, privileges, franchises, and appurtenances, and any mortgagee or creditor of the said railway company might become the purchaser of the said railway at such sale, and such sale should extinguish all mortgages, bonds, judgments, and claims whatsoever existing at the time of the said sale of such railway, and by and under such sale, whether made under power of sale in any

mortgage, decree of the Court of Chancery in Upper Canada, or Sheriff's sale on such execution against lands as aforesaid, the said purchaser, his heirs or assigns, should acquire a good title to the said railway and all the lands, rights, privileges, franchises, and appurtenances thereto belonging, or in any way appertaining freed and discharged from any claim and incumbrance whatever, and should have full power and authority to sell and dispose of the same, to use and work the said railway under the Act of Incorporation of the said railway company, or any amendments thereof, as fully and effectually as if such charter had been granted to such purchaser. AND WHEREAS a certain suit was instituted in the Court of Chancery for Upper Canada, in which Alexander Simpson, Abraham Darby, Henry Dickinson, William Tot-hill, Thomas Brown, and Joseph Robinson, on behalf of themselves and all others the holders of the bonds of the Ottawa and Prescott Railway Company bearing date the first day of November, One thousand eight hundred and fifty-three, and secured as first charges on the said railway by a mortgage executed by the said Company to the said Alexander Simpson, bearing date the sixteenth day of March, One thousand eight hundred and fifty-three, the plaintiffs and the Ottawa and Prescott Railway Company, the City of Ottawa, and the Town Council of the Town of Prescott, by Bill, and certain other parties made parties in the Master's Office were defendants, and a sale of the said railway was thereunder held at which the said Joseph Robinson was adjudged the purchaser of the same. AND WHEREAS by an order of the said Court of Chancery made in the hereinbefore-recited suit on Saturday, the twenty-third day of December, in the twenty-ninth year of the reign of Her Majesty Queen Victoria, and in the year of our Lord One thousand eight hundred and sixty-five, upon the application of the therein above-named plaintiff Joseph Robinson (party hereto), and upon hearing read the notice of motion

and the various orders, affidavits, and proceedings had, taken and made in the said cause, and in pursuance of the 63rd section of the 12th chapter of the Consolidated Statutes for Upper Canada, and of an Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered 35, it was ordered that the lands and premises in question in the said cause being composed of all the lands, rights, privileges, franchises, and appurtenances, belonging or in any way appertaining to the Ottawa and Prescott Railway Company, situate in the City of Ottawa, and in the townships of Gloucester, Osgoode, and North Gower in the county of Carleton, and in the townships of South Gower Oxford, and Edwardsburch, and in the town of Prescott in the county of Grenville, together with all workshops and buildings thereon erected, and the engines, tools, stock, and other property contained therein : and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway, and all other property of the said Company wheresoever situated, and of whatsoever kind, character, or description, including the rolling stock thereof, should be and the same were thereby vested in the said plaintiff Joseph Robinson, his heirs and assigns for ever, for all the estate, right, title, and interest of the said plaintiffs (other than the said Joseph Robinson) and of the said defendants therein. AND WHEREAS by the 12th chapter of the Consolidated Statutes for Upper Canada, it is enacted that in every case in which the Court has authority to order the execution of a deed, conveyance, transfer, or assignment of any property, real or personal, the Court may make an order or a decree vesting such real or personal estate in such person or persons, and in such manner and for such estates as would be done by any deed, conveyance, assignment, or transfer, if executed ; and thereupon the order or decree shall have the same effect, both at law and in equity, as if the legal or other estate or interest in the property had been

actually conveyed by deed or otherwise for the same estate or interest to the person in whom the same is so ordered to be vested. AND WHEREAS by letters patent under the great seal of the Province of Canada, bearing date the second day of February, in this present year, one thousand eight hundred and sixty-six, all those parcels or tracts of land situate, lying, and being in the city of Ottawa, in the county of Carleton aforesaid, containing by admeasurement one acre and sixty-five thousand square links, more or less, and being composed of Lots Nos. 4, 5, and 6, on the west side of Dalhousie Street, Lots Nos. 10, 11, 12, and 13, on the north side of Bolton Street, and Lots Nos. 10, 11, 12, and 13, on the south side of Bolton Street in the aforesaid city of Ottawa, were granted unto the said Joseph Robinson, his heirs and assigns for ever; but in trust to be used, occupied, and enjoyed by the said Joseph Robinson, his heirs and assigns, as a depôt ground, and for all or any the uses of and in connection with the Ottawa and Prescott Railway and its appurtenances. AND WHEREAS, although the said Joseph Robinson was adjudged the purchaser of the said railway, as set forth in the hereinbefore-recited order of the Court of Chancery for Upper Canada, yet, in truth and in fact, the same was so purchased and acquired by him on behalf of other persons hereinafter named in the schedule hereunto annexed, together with himself, in the various interests, shares, or proportions hereinafter in the said schedule mentioned; and the name of the said Joseph Robinson was used in the said purchase and in the said recited order as a trustee for such other persons in respect of such interests, shares, or proportions, together with the interest, share, or proportion of him the said Joseph Robinson therein, and the said Joseph Robinson has therefore agreed to execute such a declaration of trust as is hereinafter contained.

NOW KNOW YE, AND THESE PRESENTS WITNESS, that the said Joseph Robinson, his heirs, executors, administrators, and assigns, shall henceforth stand seized or possessed of all the lands, rights, privileges, franchises, and appurtenances belonging or in any way appertaining to the Ottawa and Prescott Railway Company, situate in the city of Ottawa, and in the townships of Gloucester, Osgoode, and North Gower in the county of Carleton, and in the townships of South Gower Oxford, and Edwardsburgh, and in the town of Prescott in the county of Grenville, in the Province of Canada together with all the workshops and buildings thereon erected, and the engines, tools, stock, and other property contained therein, and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway, and all other property of the said Company wheresoever situated, and of whatsoever kind, character, or description, including the rolling stock thereof, as the same was vested in the said Joseph Robinson by the hereinbefore-recited order of the Court of Chancery for Upper Canada. AND also all those parcels or tracts of land situate, lying, and being in the city of Ottawa, in the county of Carleton aforesaid, containing by admeasurement one acre and sixty-five thousand square links, more or less, and being composed of Lots Nos. 4, 5, and 6 on the west side of Dalhousie Street, Lots Nos. 10, 11, 12 and 13 on the north side of Bolton street, and Lots Nos. 10, 11, 12, and 13 on the south side of Bolton Street, in the aforesaid city of Ottawa, as granted to the said Joseph Robinson by letters patent hereinbefore in part recited. IN TRUST for the several persons named in the schedule hereunto annexed (which schedule shall be taken and read as part of this instrument) and their heirs, executors, administrators, and assigns, according to the several shares, interests, or proportions in the said schedule mentioned, and according to the

nature and quality of the same property respectively. IN WITNESS whereof I, the said Joseph Robinson, have hereunto set my hand and seal, the twenty-ninth day of June, One thousand eight hundred and sixty-six.

THE SCHEDULE ABOVE REFERRED TO.

OTTAWA AND PRESCOTT RAILWAY.

Schedule of Proprietors of the Ottawa and Prescott Railway.

No. 1.	The Ebbw Vale Company, London	405,492 $\frac{6.0}{100}$
2.	Thomas Robinson " ...	127,242 $\frac{2.5}{100}$
3.	Robinson and Eyre " ...	161,324 $\frac{2.5}{100}$
5.	W. D. Starling " ...	6,792 $\frac{6.0}{100}$
6.	F. A. Tamplin Liverpool	11,887 $\frac{6.5}{100}$
7.	Bailey Brothers & Co. " ...	27,170 $\frac{3.6}{100}$
8.	Thomas Reynolds, Montreal " ...	50,000
Dollars		<u>789,909 $\frac{2.0}{100}$</u>

Signed, sealed, and delivered by
the above-named Joseph Robinson,
in the presence of

JOHN WISEMAN,
5, Bank Buildings,
London, Gentleman,

JOSEPH ROBINSON.

Seal.

W. GRIFFITHS,
Same place, Gentleman.



City of London,
to wit.



I, WILLIAM GRIFFITHS, of No. 5, Bank Buildings,
in the City of London, Gentleman, make oath and say as
follows :—

1. The above are my names, place of residence, and
occupation, and I am one of the witnesses to the within-
written instrument, and to the three originals thereof.

2. That I was present, and, together with another
witness who has attested the same, saw the within-named
Joseph Robinson duly sign, seal, execute and deliver the
within-written instrument and three other originals of
the same.

3. That the place of execution was No. 5, Bank
Buildings, in the City of London.

4. That I know the said Joseph Robinson.

Sworn before me at No. 19, Coleman
Street, in the City of London, in that
part of the United Kingdom of Great
Britain and Ireland called England, on } W. GRIFFITHS.
this twenty-ninth day of June, in the
year of our Lord One thousand eight
hundred and sixty-six.

Before me,

CHARLES BISCHOFF,

A Commissioner to administer Oaths in
and for the Canadian Courts under
Statute 26 Vic., Cap. 41.

By His Excellency the Right Honourable Charles Stanley Viscount Monck, Baron Monck, of Ballytranmore, in the County of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Province of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

To all to whom these presents shall come greeting :—

These are to certify that Charles Bischoff, whose name is subscribed to the annexed document, is a Commissioner duly commissioned to administer oaths in and for the Canadian Courts, under Statute 26 Victoria, Chapter 41, and that full faith and credence are due and ought to be given to such signature and act in all places.

Given under my hand and office seal, at Ottawa, this third day of August, in the year of our Lord One thousand eight hundred and sixty-six, and of Her Majesty's reign the thirtieth.

MONCK

By command,
THOMAS ROSS,
Chief Clerk.

This Indenture made the Eighteenth day of April, One thousand eight hundred and sixty-seven, in pursuance of the 91st chapter of the Consolidated Statutes for Upper Canada, entitled "An Act to facilitate the Convey-
 "ance of Real Property," between JOSEPH ROBINSON, of No. 7, Laurence Pountney Hill, Cannon Street, in the City of London, in that part of the United Kingdom of Great Britain and Ireland called England, Esquire, in his character of such trustee of the Ottawa and Prescott Railway as hereinafter mentioned, of the first part; the said JOSEPH ROBINSON, ABRAHAM DARBY, HENRY DICKINSON, and WILLIAM TOTHILL, lately carrying on business at No. 7, Laurence Pountney Hill aforesaid, as Iron Masters, under the name, style, and firm of "THE EBBW VALE COMPANY," but whose estate is now being wound up under the deed of inspection hereinafter referred to, THOMAS ROBINSON, of 118, Cannon Street, in the City of London, aforesaid, Esquire, in his own behalf, the said THOMAS ROBINSON and ALEXANDER ROBERT EYRE, carrying on business at No. 118, Cannon Street, in the City of London aforesaid, under the name, style, and firm of ROBINSON and EYRE, WILLIAM DALLISON STARLING, of the City of London aforesaid, Metal Broker, FREDERICK WILLIAM BURGOYNE VERNON, of Liverpool, England, aforesaid, Cotton Broker, assignee of the estate and effects of FREDERICK AUGUSTUS TAMPLIN, of Liverpool aforesaid, Merchant, who was on the Fourteenth day of October, One thousand eight hundred and sixty-four, adjudicated a bankrupt by the Court of Bankruptcy at Liverpool aforesaid, on a petition filed the Fourteenth day of October, One thousand eight hundred and sixty-four (which said Frederick William Burgoyne Vernon was chosen by the creditors of the said Frederick Augustus Tamplin at their first meeting on the Second day of November, One thousand eight hundred and sixty-four, and such choice was afterwards confirmed by the said Court), Crawshay

Bailey, M.P., John Crawshay Bailey, Henry Bailey, and William Latham Bailey, carrying on business at Liverpool aforesaid, under the name, style, and firm of BAILEY BROTHERS AND COMPANY, and THOMAS REYNOLDS, of the City of Montreal, in the Province of Canada, Esquire (which said Ebbw Vale Company, Thomas Robinson, Robinson and Eyre, William Dallison Starling, Frederick William Burgoyne Vernon, assignee as aforesaid, Bailey Brothers and Company, and Thomas Reynolds, are hereinafter throughout styled "The Proprietors of the Ottawa and Prescott Railway"), of the second part; WILLIAM COLUMBAN McKENNA, of No. 27, Great George Street, in the City of Westminster, in England, Financial Agent, and WILLIAM QUILTER, of No. 3, Moorgate Street, in the City of London aforesaid, Accountant (being the inspectors in the winding-up of the affairs of the said Ebbw Vale Company, under a deed dated the Tenth day of August, One thousand eight hundred and sixty-six, between the partners in the said Company, the said inspectors and the creditors of the said Company) of the third part; the said FREDERICK AUGUSTUS TAMPLIN of the fourth part; and ALFRED BROWN of Montreal, in the Province of Canada, Merchant, and THOMAS ABERCROMBIE WELTON, of No. 3, Moorgate Street, in the City of London aforesaid, Accountant, hereinafter throughout styled "The Trustees" of the fifth part. WHEREAS by an Act of the Parliament of the Province of Canada, made and passed in the 13th and 14th years of Her Majesty's reign, intituled "An Act for the Incorporation of a Company to construct a Railway between Bytown and Prescott," certain persons therein named together with such other persons as should under the provisions of that Act become subscribers to and proprietors of any share or shares in the Railway thereby authorized to be made, were united into a Company for carrying on, making, completing, and maintaining the said intended Railway and other works, and it was thereby enacted that

they should for that purpose be one body politic and corporate by the name of "The Bytown and Prescott Railway Company," and by that name should have perpetual succession and should have a common seal and other the usual powers and rights of bodies corporate, not inconsistent with the said Act now in recital. AND WHEREAS by a certain other Act of the Parliament of the said Province made and passed in the 14th and 15th years of Her Majesty's reign, entitled "An Act to amend the Act incorporating the "Bytown and Prescott Railway Company;" and also by two certain other Acts of the Parliament of the said Province made and passed in the 16th year of Her Majesty's reign, entitled respectively "An Act to amend the Act incorporating the "Bytown and Prescott Railway Company;" and "An Act "for the granting of certain Hereditaments in the Town of "Bytown to the Bytown and Prescott Railway Company," certain other powers and provisions were conferred on or made, enacted, and declared with respect to the said Railway Company. AND WHEREAS by a certain other Act of the Parliament of the said Province, made and passed in the 18th year of Her Majesty's reign, entitled "An Act to "change the name of the Bytown and Prescott Railway Company, and to amend the Act incorporating the same," it was enacted that the Company incorporated under the first hereinbefore in part recited Act should be called and known by the name and style of "The Ottawa and Prescott Railway Company," instead of being called and known by the name and style of "The Bytown and Prescott Railway Company."

AND WHEREAS, in pursuance and under the authority of the said several hereinbefore in part recited Acts, or of some or one of them, the said railway company carried on, made, completed and maintained the said railway and other works, and purchased or acquired and held certain lands, and laid the track of the said railway and sidings, and erected messuages, houses, buildings and machinery thereon respec-

tively, or on some part thereof, and exercised and maintained the powers, rights, and privileges incident to the carrying on, making, maintaining and completion of the said railway, and granted and conferred in and by the said Acts of Parliament, or some or one of them. AND WHEREAS, by a certain other Act of the Parliament of the said province, made and passed in the twenty-eighth year of Her Majesty's reign, intituled "An Act for the Relief of the Ottawa and Prescott Railway Company, and for ensuring the effectual working of its railway and for other purposes;" after reciting that the interest on the bonds issued under the first mortgage, and the interest on the second and third mortgages made by the Ottawa and Prescott Railway Company was in arrear, and that the Company had also become otherwise deeply indebted, and several of the creditors had obtained judgments against it, and that the railway was in the hands of a receiver appointed by the Court of Chancery for Upper Canada, at the instance and for the protection of certain of its bondholders; and further reciting that the said railway was out of repair; and further reciting that the keeping open of the railway for traffic, which was of the utmost importance to the interests of the said province, was by reason of the premises imperilled, and that it was necessary that the said railway and its franchises should be absolutely sold to secure thereafter the uninterrupted working of the said railway; it was by the said Act now in recital enacted, that, notwithstanding anything in any law or statute to the contrary, it should be lawful for any mortgagee or judgment creditor of the said company to proceed upon his mortgage or execution against lands, and sell thereunder the said railway with all its lands, rights, privileges, franchises, and appurtenances, and any mortgagee or creditor of the said railway company might become the purchaser of the said railway at such sale, and such sale should extinguish all mortgages, bonds, judgments, and claims whatsoever existing at the time of the sale of

such railway, and by and under such sale, whether made under power of sale in any mortgage decree of the Court of Chancery in Upper Canada, or Sheriff's sale on such execution against lands as aforesaid, the said purchaser, his heirs or assigns, should acquire a good title to the said railway and all the lands, rights, privileges, franchises and appurtenances thereto belonging or in anyway appertaining, freed and discharged from any claim and incumbrance whatever, and should have full power and authority to sell and dispose of the same, to use and work the said railway under the Act of Incorporation of the said railway company, or any amendments thereof, as fully and effectually as if such charter had been granted to such purchaser. AND WHEREAS a certain suit was instituted in the Court of Chancery for Upper Canada in which Alexander Simpson, Abraham Darby, Henry Dickinson, William Tothill, Thomas Brown and Joseph Robinson, on behalf of themselves and all others, the holders of the bonds of the Ottawa and Prescott Railway Company, bearing date the first day of November, One thousand eight hundred and fifty-three, and secured as the first charge on the said railway by a mortgage executed by the said company to the said Alexander Simpson, bearing date the sixteenth day of March, One thousand eight hundred and fifty-three, were the plaintiffs, and the Ottawa and Prescott Railway Company, the City of Ottawa and the Town Council of the town of Prescott by Bill, and certain other parties made parties in the Master's Office, were defendants; and a sale of the said railway was thereunder held, at which the said Joseph Robinson was adjudged the purchaser of the same. AND WHEREAS, by an order of the said Court of Chancery made in the hereinbefore recited suit, on Saturday, the twenty-third day of December, in the twenty-ninth year of the reign of Her Majesty Queen Victoria, and in the year of our Lord One thousand eight hundred and sixty-five, upon the application of the above-named plaintiff Joseph

Robinson, and upon hearing read the notice of motion and the various orders, affidavits and proceedings had taken and made in the said cause, and in pursuance of the 63rd section of the 12th chapter of the Consolidated Statutes for Upper Canada and of an Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chapter 35, it was ordered that the lands and premises in question in the said cause being composed of all the lands, rights, privileges, franchises and appurtenances belonging, or in any way appertaining to the said Ottawa and Prescott Railway Company situate in the City of Ottawa, and in the townships of Gloucester, Osgoode and North Gower, in the county of Carleton and in the townships of South Gower, Oxford and Edwardsburgh, and in the town of Prescott, in the county of Grenville, together with all workshops and buildings thereon erected, and the engines, tools, stock and other property contained therein, and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway and all other property of the said Company wheresoever situated, and of whatsoever kind, character or description, including the rolling stock thereof, should be and the same were thereby vested in the said plaintiff, Joseph Robinson, his heirs and assigns for ever, for all the estate, right, title, and interest of the said plaintiffs (other than the said Joseph Robinson), and of the said defendants therein. AND WHEREAS by the 12th chapter of the Consolidated Statutes for Upper Canada, it is enacted that in every case in which the Court has authority to order the execution of a deed, conveyance, transfer, or assignment of any property, real or personal, the Court may make an order or a decree vesting such real or personal estate in such person or persons, and in such manner, and for such estates as would be done by any deed, conveyance, assignment, or transfer if executed ; and thereupon the order or decree shall have the same effect at law and in equity as if the legal or other estate or interest in the property had been actually conveyed by deed or other-

wise for the same estate or interest, to the person in whom the same is so ordered to be vested. AND WHEREAS by letters patent under the Great Seal of the Province of Canada, bearing date the second day of February, in the year one thousand eight hundred and sixty-six, all those parcels or tracts of land situate, lying, and being in the city of Ottawa, in the county of Carleton aforesaid, containing by admeasurement one acre and sixty-five thousand square links, more or less, and being composed of lots numbered 4, 5, and 6 on the west side of Dalhousie Street, lots numbers 10, 11, 12, and 13 on the north side of Bolton Street, and lots 10, 11, 12, and 13 on the south side of Boteler Street, in the aforesaid city of Ottawa, were granted unto the said Joseph Robinson, his heirs and assigns for ever. But in trust to be used, occupied, and enjoyed by the said Joseph Robinson, his heirs and assigns, as a dépôt ground, and for all or any the uses of and in connection with the Ottawa and Prescott Railway and its appurtenances. AND WHEREAS by a certain deed poll, bearing date on or about the twenty-ninth day of June, in the year one thousand eight hundred and sixty-six, reciting as is hereinbefore severally recited, and further reciting that although the said Joseph Robinson was adjudged the purchaser of the said railway, as set forth in the thereinbefore recited order of the Court of Chancery for Upper Canada, yet in truth and fact the same was so purchased and acquired by him on behalf of other persons thereafter named in the schedule thereunto annexed, together with himself, in the various interests, shares, or proportions thereafter in the said schedule mentioned, and that the name of the said Joseph Robinson was used in the said purchase and in the said recited order as a trustee for such other persons in respect of such interests, shares, or proportions, together with the interest, share, or proportion of him, the said Joseph Robinson therein; and that the said Joseph Robinson had agreed to execute such a declaration of trust as was thereafter contained. It was witnessed that the

said Joseph Robinson, his heirs, executors, administrators and assigns, should thenceforth stand seised or possessed of all the lands, rights, privileges, franchises, and appurtenances belonging or in any way appertaining to the Ottawa and Prescott Railway Company, situate as in the said deed poll and hereinafter mentioned and set forth, together with all workshops and buildings thereon erected, and the engines, tools, stock, and other property contained therein, and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway, and all other property of the said Company wheresoever situated, and of whatsoever kind, character, or description, including the rolling stock thereof, as the same was vested in the said Joseph Robinson, by the thereinbefore recited order of the Court of Chancery for Upper Canada. And also all those parcels or tracts of land in the deed now in recital particularly mentioned as granted to the said Joseph Robinson by the said letters patent, in trust for the several persons named in the schedule thereunto annexed and which schedule was to be taken and read as part of the instrument now in recital, and their heirs, executors, administrators, and assigns, according to the several shares, interests, or proportions in the said schedule mentioned, and according to the nature and quality of the same property respectively. And the schedule referred to in the deed poll now in recital is to the following effect:—

Schedule of proprietors of the Ottawa and Prescott Railway:—

The Ebbw Vale Company.....	\$405,492	„ $\frac{69}{100}$
Thomas Robinson	127,242	„ $\frac{95}{100}$
Robinson and Eyre	161,324	„ $\frac{25}{100}$
W. D. Starling	6,792	„ $\frac{60}{100}$
F. A. Tamplin	11,887	„ $\frac{68}{100}$
Bailey Brothers & Co.	27,170	„ $\frac{30}{100}$
Thomas Reynolds.....	50,000	

Dollars	789,900	„ $\frac{22}{100}$
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AND WHEREAS in the re-establishment and re-equipment and otherwise in respect of the said railway upon and since the purchase thereof by the said Joseph Robinson as heretofore recited, and in the placing of the same in proper working order and in the provision of additional necessary rolling stock, engines, cars, trucks, machinery, plant, and other appurtenances, debts have been incurred and are now outstanding, and it is necessary and expedient for further and other purposes in the respects aforesaid, and for the more perfect and thorough re-establishment and re-equipment of the said railway and for procuring further additional rolling stock, engines, cars, trucks, machinery, plant, and other appurtenances, for promoting and extending the operations of the said railway that a further sum of money be raised and provided. AND WHEREAS for the purposes of payment of such outstanding debts and of such further provision as aforesaid, the said Joseph Robinson, by and at the request of the proprietors of the Ottawa and Prescott Railway and the proprietors of the Ottawa and Prescott Railway on their own behalf, are about to grant, convey, and assign the said railway, lands, and premises and its rolling stock, engines, cars, trucks, machinery, plant, and other appurtenances to the trustees for the purposes hereinafter mentioned and declared, the partners in the said Ebbw Vale Company, acting herein with the authority of their said inspectors, testified by the latter being made parties to and executing these presents, and the said Frederick Augustus Tamplin joining herein to release and assign all estate and interest of him, if any, in the said premises. NOW THIS INDENTURE WITNESSETH that in consideration of the premises; and in further consideration of the sum of five shillings of lawful money of Great Britain to each of them the said Joseph Robinson, the proprietors of the Ottawa and Prescott Railway and Frederick Augustus Tamplin, by the trustees in hand well and truly paid upon

the delivery of these presents, the receipt whereof is hereby by the said Joseph Robinson, the aforesaid proprietors, and Frederick Augustus Tamplin severally acknowledged. HE, the said Joseph Robinson, by and at the request of the said proprietors of the Ottawa and Prescott Railway, testified by their severally being parties to and executing and delivering these presents DOTH grant, bargain, sell, assign, transfer, release, and set over, and the proprietors of the Ottawa and Prescott Railway (so far as concerns the partners in the said Ebbw Vale Company with such authority as aforesaid) DO and each of them DOTH (according to his and their several shares, interests, or proportions in the same, and so far as he and they lawfully can or may) grant, bargain, sell, assign, transfer, release, and set over, and the said Frederick Augustus Tamplin, as to all estate and interest of him therein (if any), DOTH hereby release, assign, quit claim, ratify, and confirm unto the trustees, their heirs, executors, administrators, and assigns, according to the nature and quality of the same respectively, all the lands, rights, privileges, franchises, and appurtenances belonging or in any way appertaining to the Ottawa and Prescott Railway, situate in the city of Ottawa, and in the townships of Gloucester, Osgoode, and North Gower, in the county of Carleton, and in the townships of South Gower, Oxford, and Edwardsburgh, and in the town of Prescott, in the county of Grenville, in the province of Canada, together with all workshops and buildings thereon erected, and the engines, tools, stock, and other property contained therein, and all the rights, claims, privileges, tolls, revenues, franchises, and appurtenances of the said railway, and all other the property of the said railway wheresoever situated and of whatsoever kind, character, or description, including the rolling stock thereof, as the same was vested in the said Joseph Robinson by the hereinbefore recited order of the Court of Chancery for Upper Canada, and as the same has since been increased and stands at the day of the date of these presents.

And also all those parcels or tracts of land situate, lying, and being in the city of Ottawa, in the county of Carleton aforesaid, containing by admeasurement one acre and sixty-five thousand square links more or less, and being composed of Lots Nos. 4, 5, and 6, on the west side of Dalhousie Street ; Lots Nos. 10, 11, 12, and 13, on the north side of Bolton Street ; and Lots 10, 11, 12, and 13, on the south side of Boteler Street, in the aforesaid city of Ottawa, as granted to the said Joseph Robinson by letters patent hereinbefore in part recited. TO HAVE AND TO HOLD the same and every part and parcel of the same lands and premises respectively, with all and singular the appurtenances unto the trustees and the survivor of them and his heirs, executors, administrators and assigns according to the nature and quality of the premises ; upon the trusts and for the several ends, intents and purposes, and subject to the powers, provisions, declarations and agreements hereinafter expressed concerning the same, that is to say: upon trust that the trustees or the survivor of them, his heirs, executors, administrators or assigns, do and shall by mortgage or other charge of the premises hereby granted, bargained, sold, assigned, transferred, released and set over, or by such other ways or means, or by such security as they or he shall be thereunto advised, or as to them or him shall seem reasonable or expedient, raise or borrow and take up at interest a sum not exceeding fifty thousand pounds of lawful money of Great Britain, bearing interest as hereinafter mentioned, and do and shall pay the same, or any portion thereof, as and when the same shall be raised into the hands of the proprietors of the Ottawa and Prescott Railway, or of their attorney or attornies thereunto duly authorised, but so, nevertheless, that the receipt of the trustees or trustee for the time being hereof shall be a sufficient discharge to all persons lending or advancing the said sum or any portion thereof, and that no such person shall be bound to see to the payment over of any such money by such

trustees or trustee in manner aforesaid, or be answerable for any default in such payment over. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY DECLARED AND AGREED by and between the said Joseph Robinson and the proprietors of the Ottawa and Prescott Railway and the trustees that the premises hereby granted, bargained, sold, assigned, transferred, released and set over, are and shall be held upon this further trust that such sum or sums of money to be raised, borrowed, or taken up at interest shall be made repayable in the following proportions and denominations, that is to say: twenty sums of one thousand pounds each, forty sums of five hundred pounds each, and forty sums of two hundred and fifty pounds each; each and all of which several sums shall be made repayable upon the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty-seven, at the Union Bank of London, in the city of London, in England, and shall bear interest at the rate of 8 per cent. per annum, payable on the fifteenth days of January and July in each and every year, at the Union Bank of London aforesaid, the first of which payments of interest shall be made upon the fifteenth day of July next ensuing the date hereof; and upon further trust that the trustees shall, on behalf of the proprietors of the Ottawa and Prescott Railway, sign and deliver to each person from whom any of the said sums shall be raised, borrowed, or taken up at interest, a certificate or certificates of such denomination or respective denominations as shall be equal in the whole to the sum so raised, borrowed, or taken up from such person, and each of which certificates shall express or denominate therein the proportion of the said sum of fifty thousand pounds payable thereunder, and shall be designated by a consecutive number from one to one hundred inclusive, that is to say, numbers 1 to 20, both inclusive, being each of the denomination of one thousand pounds; numbers 21 to 60, both inclusive, being each of the denomination of

five hundred pounds ; and numbers 61 to 100, both inclusive, being each of the denomination of two hundred and fifty pounds ; and each and every of which said certificates shall be in the form or to the effect following, that is to say : " Province of Canada £50,000 sterling. First and " only mortgage of the Ottawa and Prescott Railway, " No. . £ sterling. The " Proprietors of the Ottawa and Prescott Railway " in the province of Canada by Alfred Brown, of Montreal, " in the province of Canada, merchant, and Thomas Aber- " crombie Welton, of No. 3, Moorgate Street, in the city of " London, England, accountant, their trustees, under a " certain indenture bearing date the 18th day of April, 1867, " do hereby certify that the sum of £ of lawful " money of Great Britain is in favour of " of his executors or administrators, " or the last registered transferee hereof, secured upon and " made payable out of the Ottawa and Prescott Railway, and " the lands, rights, privileges, franchises and appurtenances " belonging or in any wise appertaining to the same, and the " rolling stock, engines, tools, stock and property in and " by the said indenture expressed to be granted, bargained, " sold, assigned, transferred, released and set over to the " trustees, and that such sum of £ is repayable " upon the 15th day of January, in the year 1887, at the " Union Bank of London, in the city of London, in England, " and in the meantime carries interest at the rate of £8 per " cent. per annum, according to the several warrants hereunto " annexed, which, upon delivery or presentation of the same " as they shall severally become due at the Union Bank of " London, in the city of London aforesaid, are payable to the " said his executors or " administrators, or the registered transferee hereof for the " time being or other the bearer of the same. This certificate " is one of the certificates referred to in the hereinbefore

" mentioned indenture, and the same and the several warrants
 " for interest hereunto annexed, are valid only upon being
 " countersigned by Thomas Reynolds, the duly appointed
 " attorney in that behalf of the proprietors of the Ottawa and
 " Prescott Railway, and the same are respectively given
 " subject to the several trusts in the said indenture contained,
 " and so as not to create any personal liability on the part of
 " the said proprietors or of their said trustees or attorney, or
 " of any other person.

" N.B.—Every transfer of this certificate must be notified
 " to the attorney at Ottawa aforesaid of the proprietors of the
 " Ottawa and Prescott Railway, who will register the same, if
 " supported by such evidence of the title of the transferee as
 " he shall require. Dated this 20th day of April, in the year
 " 1867." And attached to each certificate shall be interest
 warrants, in the form or to the effect following, and each of
 which shall be designated by a consecutive number from 1
 to 40 inclusive, that is to say—" Ottawa and Prescott
 " Railway Certificate No. for £ sterling.
 " Interest Warrant No. for £ due and
 " payable at the Union Bank of London, in London, England,
 " on 18 ," and each such certifi-
 cate and warrant shall have the signature of the said
 trustees as trustees of the proprietors of the Ottawa and
 Prescott Railway lithographed thereon, and shall be counter-
 signed by Thomas Reynolds, the attorney of the proprietors
 of the Ottawa and Prescott Railway, in that behalf duly
 constituted and appointed. And upon further trust that
 every such certificate shall carry a first charge or lien for
 the amount thereof, and for any interest overdue and un-
 paid thereon upon the said railway, lands, rights, privileges,
 franchises, and appurtenances, and the engines, tools, stock,
 and other property, and all rights, claims, privileges, tolls,
 and revenues thereof, provided that all such certificates are
 to be on an equality so far as regards the security therefor

created by this deed. And upon further trust to permit and suffer the proprietors of the said Ottawa and Prescott Railway to retain and hold the possession of the said railway, lands, premises and appurtenances, and to use, occupy, and enjoy the same and the profits and proceeds thereof until such default in payment, and such written demand of registered holders of certificates as are made necessary to the exercise of the power of sale next hereinafter mentioned. And upon further trust that if the proprietors of the Ottawa and Prescott Railway shall neglect or refuse to pay the said interest warrants, or any of them, or the said certificates, or any of them, as the same respectively become due and are duly presented for payment, then and in such case the trustees, or the survivor of them, his heirs, executors, administrators or assigns may, in their or his discretion, upon the written demand of any registered holder or holders of the said certificates to the extent in amount of ten thousand pounds, proceed to enforce the said trust by taking possession of the said railway and all and singular the property, effects, rights and privileges and premises hereinbefore set forth and conveyed or intended to be conveyed by these presents, and retain possession thereof personally by such officers or agents as they shall see fit to employ and have use and enjoy the same and receive all and singular the proceeds of the same, making from time to time all needful repairs, alterations, and additions thereto, and retain possession thereof until out of the net proceeds and earnings of the said Railway over and above the expenses of running and keeping the same in repair and making such alterations and additions they shall receive enough to pay all warrants and certificates which shall be due and unpaid and a reasonable compensation for their services and no longer, and as often as any further or other default and a similar demand shall be made it shall be

lawful for the trustees or the survivor of them, his heirs, executors, administrators, or assigns, to proceed in like manner, or in case of default at any time and a similar demand as aforesaid, the trustees or the survivor of them, his heirs, executors, administrators, or assigns may, if they see fit, proceed to sell the whole of the said railway, lands, rights, privileges, franchises, and appurtenances, engines, rolling stock, and all other the property of the same, or in their discretion to sell such parts of the property as shall be necessary to pay the amount due and unpaid, and the costs and expenses of such proceedings and which can be sold separately without impairing the residue or affecting the franchisees attaching or belonging to the said Railway at public auction at such place in the Province of Canada as may be determined by the trustees or the survivor of them, his heirs, executors, administrators, or assigns (first giving three calendar months' notice of the time and place of such sale by public advertisement) unless the amount so due and unpaid, with the said expenses incurred by the trustees shall be paid previously to the time appointed for such sale, and in case of any sale made under the provisions of this instrument the trustees or the survivor of them, his heirs, executors, administrators, or assigns are hereby authorised and empowered to execute, acknowledge, and deliver any and all deeds, bills of sale, contracts, acquittances, or other instruments which may be necessary to carry into effect such sale or sales according to the intent thereof, and the proceeds of such sale shall be used for the purpose of paying all sums due and unpaid on such certificates and warrants, and the expenses of such sale and of the trustees, and the balance, if any, shall be applied to and satisfy all the outstanding sums for which certificates shall have been issued but which are not then due rateably, or be retained by the trustees and invested to meet and satisfy future payments which may become due in terms of such

certificates. But in case the said sale is total instead of partial, then the said proceeds, after paying such expenses and a reasonable compensation to the trustees shall be equitably and rateably applied upon all of the outstanding certificates and warrants, so far as may be necessary to pay the same in full, and the surplus, if any, shall be distributed rateably among the Proprietors of the Ottawa and Prescott Railway according to their several shares, interests, and proportions at such time. PROVIDED ALWAYS and these presents are upon this express condition, that if the Proprietors of the Ottawa and Prescott Railway shall well and truly pay all such sums not exceeding fifty thousand pounds as aforesaid and for which certificates are to be issued as aforesaid and the sums of money due as interest thereon upon presentment at maturity, then these presents shall cease and become utterly null and void without any release, quittance, re-conveyance, or other act or formality, but in such case and whenever such sums and all interest thereon are paid, and satisfactory evidence shall be given to the trustees of such payment, it shall, nevertheless, be the duty of the trustees, or the survivor of them, his heirs, executors, administrators, or assigns at the expense of the Proprietors of the Ottawa and Prescott Railway to execute, acknowledge, and deliver to them on demand a full release and re-conveyance of all and singular the property hereby conveyed and not lawfully disposed of under the trusts and powers aforesaid. And these presents are upon this further express condition that if at any time hereafter an Act shall be passed by the Parliament of the Province of Canada, or of the Dominion of Canada, or of any Province thereof having legislative power in that respect by which the Proprietors of the Ottawa and Prescott Railway, or any others with them, or any of them shall be created a body corporate and empowered to raise money by the issue of bonds or debentures, or by mortgage, or other

method or proceeding so as to carry a security, charge, or lien on the railway and property hereby conveyed, or on any part of it, the trustees or the survivor of them, his heirs, executors, administrators, and assigns, may call upon and require the body corporate thereby created to issue bonds or debentures or to execute a mortgage or mortgages or such other security as may by such Act be authorised in redemption of or to replace the certificates hereinbefore mentioned, which said certificates so redeemed or replaced shall be then delivered up by the registered transferees or holders thereof to be cancelled. AND THESE PRESENTS ARE UPON THIS FURTHER EXPRESS CONDITION that neither under this instrument nor under any certificate, memorandum, or warrant for interest hereinbefore mentioned and authorised shall any personal liability or responsibility attach to the said Joseph Robinson or the proprietors of the said Ottawa and Prescott Railway, or any of them, or the trustees or the survivor of them, his heirs, executors, administrators, or assigns, or the attorney of the proprietors for payment of any sum of money borrowed, raised, or taken up at interest, or for any interest thereon or for any sum of money mentioned in any such certificate, memorandum, or warrant as aforesaid, and in case of the death, resignation, or mental incapacity of the trustees or either of them or of any trustee to be appointed under this present power, a new trustee or new trustees as the case may require with the same powers as he or they would have had if such powers had been conferred on him or them originally by this instrument, may be appointed in the place of the trustee or trustees so dying, resigning, or becoming mentally incapable by the surviving or continuing trustee (if any) or by the executors or administrators of the last surviving trustee, or by the Court of Chancery for Upper Canada upon the application of any party interested, or by the Proprietors of the Ottawa and Prescott Railway or by such as represent at

the time being a majority in value of the interests as shewn in the schedule hereinbefore recited and set forth. AND IT IS EXPRESSLY PROVIDED FURTHER that every trustee under this instrument shall only be liable for his own individual acts or omissions, and not for acts or omissions of any other trustee unless he shall join therein or consent thereto. AND each of them the said Joseph Robinson, and the proprietors of the Ottawa and Prescott Railway hereby for himself, his heirs, executors, and administrators, covenants with the trustees that he respectively and all persons lawfully claiming under him will execute such further conveyances of the lands, property, and premises hereby expressed to be conveyed or assigned as may be requisite for the purposes of this instrument. AND THIS INDENTURE FURTHER WITNESSETH that the said Joseph Robinson, in his capacity of such trustee as aforesaid (by and with the consent of the proprietors of the Ottawa and Prescott Railway testified by their severally being parties to and executing and delivering these presents), DOTH and the proprietors of the Ottawa and Prescott Railway (so far as concerns the partners in the said Ebbw Vale Company with such authority as aforesaid, and so far as concerns the said Frederick William Burgoyne Vernon with the concurrence of the said Frederick Augustus Tamplin), DO and each and every of them DOTH by these presents nominate, constitute, and appoint Thomas Reynolds hereinbefore mentioned and described the true and lawful attorney of them the proprietors of the Ottawa and Prescott Railway for them and on their behalf to countersign each and every of the certificates hereinbefore authorised to be signed and delivered, and also each and every of the warrants for interest to be thereunto severally annexed, and also to register any transfer or transfers of any certificates signed and delivered under the trusts hereinbefore contained and declared. IN WITNESS whereof

the said parties to these presents have hereunto set their hands and seals the day and year first above written.

JOSEPH ROBINSON	(LS)
ABRAHAM DARBY	(LS)
HENRY DICKINSON	(LS)
WILLIAM TOTHILL	(LS)
THOMAS ROBINSON	(LS)
A. R. EYRE	(LS)
CRAWSHAY BAILEY	(LS)
JOHN C. BAILEY	(LS)
HENRY BAILEY	(LS)
W. L. BAILEY	(LS)
THO. REYNOLDS	(LS)
W. C. McKENNA	(LS)
WM. QUILTER	(LS)
W. D. STARLING	(LS)
F. W. B. VERNON	(LS)
FREDK. A. TAMPLIN	(LS)
THOS. A. WELTON	(LS)

Signed, sealed, and delivered by the within-named Joseph Robinson and Thomas Reynolds, in the presence of

JOSEPH H. MEE,

Clerk, 7, Lawrence Pountney Hill, London.

WM. MERRICK,

6, Old Jewry, London, Solicitor.

Signed, sealed, and delivered by the within-named William Tothill, in the presence of

WILLIAM TOTHILL, Jr.,
of Stoke Bishop, Bristol, Gentleman.
WM. MERRICK.

Signed, sealed, and delivered by the within-named William Columban McKenna, in the presence of

WM. MERRICK.
OSBORNE B. WYATT,
Clerk to Messrs. Ashurst & Co., 6, Old Jewry.

Signed, sealed, and delivered by the within-named Alexander Robert Eyre, in the presence of

WM. MERRICK.
OSBORNE B. WYATT.

Signed, sealed, and delivered by the within-named Thomas Robinson, in the presence of

CHARLES SAVILLE,
Farm Bailiff, Corner Hall, Hemel Hempstead.
WM. MERRICK.

Signed, sealed, and delivered by the within-named Abraham Darby, in the presence of

JOHN B. HUGHES,
Cashier, Ebbw Vale Works.
WM. MERRICK.

Signed, sealed, and delivered by the within-named Henry Dickinson, in the presence of

WM. MERRICK.
RICHARD EVANS BUTLER,
Severn House,
Coalbrook Dale.

Signed, sealed and delivered by the within-named William Latham Bailey, in the presence of

GEORGE A. BEST,
Clerk to Messrs. Hull, Stone, & Fletcher,
Solicitors, 6, Cook Street, Liverpool.

WM. MERRICK.

Signed, sealed, and delivered by the within-named Crawshay Bailey, John Crawshay Bailey, Henry Bailey, and William Quilter, in the presence of

ARTHUR TOOMBS,
Clerk to Messrs. Ashurst & Co.

WM. MERRICK.

Signed, sealed, and delivered by the within-named William Dallison Starling, in the presence of

WM. MERRICK,
6, Old Jewry, London, Solicitor.

CHAS. P. C. CROCKER,
Clerk, Lawrence Pountney Hill, London.

Signed, sealed, and delivered by the within-named Frederick William Burgoyne Vernon, and Frederick Augustus Tamplin, in the presence of

WM. W. GRIFFITHS,
Clerk to Messrs. Francis & Almond,
Solicitors, Liverpool.

WM. MERRICK.

Signed, sealed, and delivered by the within-named Thomas Abererombie Welton, in the presence of

GEO. E. H. JAY,
Clerk, 3, Moorgate Street, London.

WM. MERRICK.

CITY OF LONDON, } I, WILLIAM MERRICK, of No.
 GREAT BRITAIN, } 6, Old Jewry, in the City of London,
 (TO WIT.) } in that part of the United Kingdom
 of Great Britain and Ireland called England, Solicitor, do
 swear and say as follows :—

1. The above is my name, place of residence, and occupation or calling in full.

2. That I was present and did see the within deed and four other originals thereof, duly executed, signed, sealed, and delivered by the therein-named Joseph Robinson, Abraham Darby, Henry Dickinson, William Tothill, Thomas Robinson, Alexander Robert Eyre, Crawshay Bailey, John Crawshay Bailey, Henry Bailey, William Latham Bailey, Thomas Reynolds, William Columban McKenna, and William Quilter, in the presence of myself and another attesting witness.

3. That the same was so executed by the said Joseph Robinson and Thomas Reynolds, on the 9th day of May, in the year One thousand eight hundred and sixty-seven, at No. 7, Lawrence Pountney Hill, Cannon Street, in the City of London aforesaid ; by the said William Tothill, on the sixteenth day of May in the year aforesaid, at No. 22, Victoria Place, Eastbourne, in the county of Sussex, in England aforesaid ; by the said William Columban McKenna, on the twenty-first day of May in the year aforesaid, at No. 6, Old Jewry, in the City of London aforesaid ; by the said Alexander Robert Eyre, on the 24th day of May in the year aforesaid, at No. 6, Old Jewry aforesaid ; by the said Thomas Robinson, on the said twenty-fourth day of May in the year aforesaid, at Corner Hall, Hemel Hempstead, in the County of Herts, in England aforesaid ; by the said Abraham Darby, on the twenty-eighth day of May in the year aforesaid, at Ebbw Vale in the county of Monmouth, in England aforesaid ; by the said Henry Dickinson, on the twenty-ninth day of May, in the year aforesaid, at Severn House, Colebrook Dale, in the county

of Salop, in England aforesaid ; by the said William Latham Bailey, on the fifth day of June, in the year aforesaid, at No. 6, Cook Street, Liverpool, in England aforesaid ; by the said Crawshay Bailey, John Crawshay Bailey, and Henry Bailey on the 7th day of June, in the year aforesaid, at No. 16, New Street, Spring Gardens, in the City of Westminster, in England aforesaid ; and by the said William Quilter, on the said seventh day of June in the year aforesaid, at No. 3, Moorgate Street, in the city of London aforesaid.

4. That I knew the said Joseph Robinson, Abraham Darby, Henry Dickinson, William Tothill, Thomas Robinson, Alexander Robert Eyre, Crawshay Bailey, John Crawshay Bailey, Henry Bailey, William Latham Bailey, Thomas Reynolds, William Columban McKenna, and William Quilter.

Sworn before me, at my Chambers, at
No. 6, Old Jewry, in the City of
London, England, on the seventh
day of June, One thousand eight
hundred and sixty-seven,

WM. MERRICK.

J. MORRIS,

A Commissioner for taking Affidavits
in and for the Canadian Courts.

CITY OF LONDON, } I, WILLIAM MERRICK, of No.
GREAT BRITAIN, } 6, Old Jewry, in the City of London,
(TO WIT.) } in that part of the United Kingdom
of Great Britain and Ireland called England, solicitor, do
swear and say as follows :—

1. The above is my name, place of residence, and occupation, or calling, in full.

2. That I was present and did see the within deed and four other originals thereof, duly executed, signed, sealed, and delivered by the therein-named William Dallison Starling, Frederick William Burgoyne Vernon, Frederick Augustus

Tamplin, and Thomas Abercrombie Welton, in the presence of myself and another attesting witness.

3. That the same was so executed by the said William Dallison Starling, on the thirteenth day of June, in the year one thousand eight hundred and sixty-seven, at Lawrence Pountney, Hill, Cannon Street, in the City of London, aforesaid; by the said Frederick William Burgoyne Vernon, on the fourteenth day of June, in the year aforesaid, at 21, Harrington Street, Liverpool, in England, aforesaid; by the said Frederick Augustus Tamplin, on the said fourteenth day of June, in the year aforesaid, at No. 2, Rumford Place, Liverpool, aforesaid; and by the said Thomas Abercrombie Welton, on the seventeenth day of June, in the year aforesaid, at No. 5, Moorgate Street in the City of London, aforesaid.

4. That I knew the said William Dallison Starling, Frederick William Burgoyne Vernon, Frederick Augustus Tamplin, and Thomas Abercrombie Welton.

Sworn before me, at my Chambers, at
No. 6, Old Jewry, in the City of
London, England, on the twentieth
day of June, One thousand eight
hundred and sixty-seven,

WM. MERRICK.

J. MORRIS,

A Commissioner for taking Affidavits
in and for the Canadian Courts.

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